

**United States District Court
Northern District of New York**

Dashawn Russell,)	Case 5:21-cv-00396-FJS-TWD
<i>Plaintiff,</i>)	
)	Frederick J. Scullin, Jr.
vs.)	United States District Judge
)	
Kilolo Kijakazi ¹ ,)	Thérèse Wiley Dancks
Acting Commissioner of)	United States Magistrate Judge
Social Security)	
<i>Defendant.</i>)	Stipulation – Document Filed Electronically

Parties' Stipulation for Remand

The parties stipulate that the Commissioner's final decision be reversed and that this action be remanded to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g). On remand, the ALJ will provide Plaintiff the opportunity for a new hearing, re-evaluate Dr. Shapiro's opinion, re-determine Plaintiff's residual functional capacity, and issue a new decision.

The parties consent to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

Kilolo Kijakazi,

Dashawn Russell

By Her Attorneys

By His Attorney

Carla B. Freedman,
United States Attorney

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 43(c)(2) of the Federal Rules of Appellate Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

/s/ Lisa G. Smoller

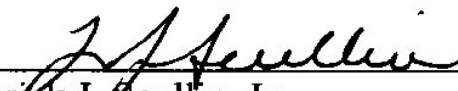
Lisa G. Smoller
Special Assistant United States Attorney
N.D.N.Y. Bar Roll No. 700999
Social Security Administration
Office of the General Counsel
J.F.K. Federal Building, Room 625
Boston, MA 02203
(617) 565-4279
Lisa.g.smoller@ssa.gov

/s/ Howard D. Olinsky²

Howard D. Olinsky
Olinsky Law Group
250 S. Clinton Street, Suite 210
Syracuse, NY 13202
(315) 701-5780
holinsky@windisability.com

IT IS SO ORDERED.

Date: January 21, 2022



Frederick J. Scullin, Jr.
Senior United States District Judge

² Signed by Lisa Smoller with Howard Olinsky's permission.